

**LEWIS AND CLARK CITY-COUNTY HEALTH DEPARTMENT
BOARD OF HEALTH - MINUTES
316 N. Park, Room 309, HELENA, MONTANA 59601
January 26, 2012**

Members Present

Ken Wallace, vice-chair
Peter Donovan, chair
Chris Deveny
Steve Ackerslund (dept. 3:40 p.m.)
Mayor Anthony Strainer (dept. 3:55 p.m.)
Susan Epstein (arrived 1:34 p.m.)
Commissioner Andy Hunthausen (dept. 3:15 p.m.)
Mayor Jim Smith (dept. 3:45 p.m.)

Members Absent

Keith Meyer

Staff Present

Melanie Reynolds
Jolene Helgerson
Kathy Moore
Beth Norberg
Gayle Shirley

Guests Present

Deputy County Attorney Paul Stahl
Eve Byron, Helena Independent Record

Peter Donovan, chair, called the meeting to order at 1:30 p.m. A quorum was established. The introduction of Commissioner Andy Hunthausen was made.

REVIEW OF AGENDA

No changes to the agenda were made

MINUTES

Peter Donovan asked if there were any corrections or additions to the December 2, 2011 minutes. The Board approved the minutes as written.

BOARDMEMBER DISCUSSION

Outdoor Air Quality Update: Kathy Moore, Division Administrator, presented a PowerPoint presentation on the changes made to the Outdoor Air Quality Regulations (See Attachment "A"). She also presented handouts on the Exemption Criteria for 2012 (See Attachment "B"), and a Good, Watch, and Poor air day description (See Attachment "C"). Kathy highlighted the changes to the regulations such as the modification to the definitions of a Good, Watch, and Poor air day; modifications expanded the burning exemption for pellet stoves to also include Environmental Protection Agency (EPA) certified stoves; limited opacity emissions from certified stoves on Poor days; prohibiting coal burning; and increased the penalties. Kathy clarified that the regulations included exemptions, which are administratively issued, and variances, which are granted by the Board of Health. Further discussion included opacity ratings, department actions during an air quality episode and fiscal year numbers for Good, Poor and Watch days so far this season. Questions were brought up by the Board regarding the section in the regulation that states that during a poor air quality episode, an exempt EPA stove can not exceed 20 percent opacity. Kathy explained the process and actions the Environmental Services Division takes when enforcing the no burn restriction during a poor air episode. Kathy stated that Lewis and Clark County has exceed the EPA health standard of 35 ug/m³ and that the county will likely be identified as a non-attainment site by the EPA. The Board requested that staff present the regulation in a way the public will be able to understand.

Kathy stated that the Department of Environmental Quality (DEQ) has funded an electronic reader board to be constructed at the health department clinic building to help provide the public with outdoor air quality updates and reminders. The DEQ will be conducting a woodstove survey to the residents in Lewis and Clark County. The goals of the survey are to determine the number of stoves within the Air Quality District, and to assess the existing boundary of the Air Quality District. Deputy County Attorney Paul Stahl spoke to the Board regarding variances to the Outdoor Air Quality Regulations and their questions surrounding undue hardship. Mr. Stahl reminded the Board that each case is based on case-specific facts; there has to be no threat public health or safety, and that the burden of proof is on the applicant. Mr. Stahl gave examples of court cases involving undue hardship. Ken Wallace requested that if the owners from Bullman's Pizza request a variance to the new regulations, that a work session be held before the variance comes before the Board.

Finance Reports: Nancy Everson, finance director for Lewis & Clark County, referenced the comparison to budget and cash flow for the period ending December 31, 2011 on page 9 of the board packet. Nancy noted that we are 31% through the fiscal year. Total revenue is \$857,265 or 55% of the amount budgeted; actual expenditures are \$786,358 or 49% of the amount budgeted; revenues are over expenditures by \$70,906; total ending cash is \$729,262.

Drumlummon Mine Update: Kathy Moore stated that the RX Exploration Company in Marysville is currently operating the Drumlummon Mine under a Small Miners Exclusion Statement. On December 28, 2011, the company applied for an operation permit through the DEQ. DEQ has 90 days to respond to the application. The Lewis and Clark County Commissioners along with DEQ and the Environmental Services Division staff met with a representative of RX Exploration Company to discuss the Mine's role in the community and their proposed operation permit application. The county will be working with the mine to develop an impact plan, which assessed the socio-economic impact of the mine on the community. The impact plan will be submitted to the Montana Department of Commerce. The county will retain a consultant, with RX paying the costs through tax pre-payment. The Water Quality Protection District provided the Mine with a proposed work plan which outlines monitoring programs for both surface and ground water along with short term goals to obtain baseline data on current conditions that impact local water resources from continued pumping for the expansion of the mine. Kathy also noted that there will be a public meeting in Marysville on February 1st at 6:30 p.m. to discuss the residents concerns involving the Drumlummon Mine. In answer to Chris Deveny's question, Kathy stated that at this time there are no RV camps in the town of Marysville.

East Helena IC's Update: Kathy Moore, Division Administrator, stated that the final draft for the Institutional Control Plan (ICP) for the City of East Helena will be brought before the Board in February for review after a few changes have been made. Kathy requested that the Board review the plan and goals before final adoption of the ICP in April.

Septic Maintenance Program Update: Beth Norberg, Sanitarian, presented the Septic Maintenance Program Report for the reporting period of July 1, 2011 to January 26, 2012 (See Attachment "D"). Beth stated that the program is progressing well and that some inspection forms submitted have revealed deficiencies. Most deficiencies are Type III and are not immediate public health threats but can compromise the system in the future. There have been some instances where a required tank pumping for an old steel tank resulted in collapse and another where the system inspected by the O and M professional did not match what was on the permit. Ken stated that staff should use these incidents as testimonials in the next round of notifications.

National Public Health Update: Melanie Reynolds, Health Officer, highlighted the National Association of County and City Health Officials (NACCHO) funding priority and how it fared during the passing of the Fiscal Year (FY) 2012 Omnibus Appropriation Bill on pages 10-14 of the board packet.

Update on the St. Peter's Hospital Meeting with the Health Care Task Force: Susan Epstein stated that Pete Donovan, Melanie Reynolds, and she met with members from the St. Peter's Hospital Board on January 17, 2012 to discuss St. Peter's role regarding issues outlined in the report from the Health Care Task Force. This was the second time members from both boards have met. At the meeting, discussion on future agenda topics was held along with the concerns about the role St. Pete's plays in providing care to the low income citizens of Lewis and Clark County. The next meeting will be held on February 24, 2011. The Board requested that before the meetings an agenda is sent to the Board and that the meeting be recorded. Susan stated that all Board members are welcome to attend the meeting.

HEALTH OFFICER REPORT

On February 9, 2012 at 7:00 a.m. on the sixth floor of the Montana Club, Home Town Helena will have a discussion on the 2011 Lewis and Clark Community Health Report.

Due to time restraint, the Board was unable to discuss the remaining agenda items. Melanie will email the Board information on the agenda items not discussed.

There being no public comment, the meeting adjourned at 4:02 p.m.

Peter Donovan, Chair

Melanie Reynolds, Secretary

- Melanie will provide the Board with an agenda for the meetings between the Health Care Task Force and St. Pete's Hospital board.
- Melanie will provide the Board with an email on the remaining items not discussed during the January 26 meeting.